

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Bruce R. Brewer
Debtor(s)

Bankruptcy Case No.: 20-10087-TPA
Per September 1, 2020 Proceeding
Chapter: 13
Docket No.: 37 - 2, 32
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 4, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,100.00 as of September 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Quicken Loans (Claim No. 4); Internal Revenue Service (Claim No. 7) .
- ☒ H. Additional Terms: 1) Ally Bank (Claim No. 12) to be paid outside plan as vehicle is used and paid for by Debtor's adult daughter.

2) The secured claim of the following Creditor shall govern as to claim amount, to be paid at the modified plan terms: M&T Bank (Claim No. 6).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: September 8, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Bruce R. Brewer
 Debtor

Case No. 20-10087-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

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 Total Noticed: 32

Date Rcvd: Sep 08, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 10, 2020.

db
 15194314 +Bruce R. Brewer, 564 Copenhaver Road, Falls Creek, PA 15840-3016
 15217265 Apex Asset Management, LLC, P.O. Box 5407, Lancaster, PA 17606-5407
 15194315 +Berkheimer, Agent for Brockway ASD, 50 North Seventh Street, Bangor, PA 18013-1731
 15194317 Berkheimer Tax Administrator, P.O. Box 25144, Lehigh Valley, PA 18002-5144
 15194319 CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 15194320 +Clear One Advantage, 1501 S. Clinton Street, Suite 320, Baltimore, MD 21224-5733
 15194321 First Bankcard, P.O. Box 3331, Omaha, NE 68103-0331
 15194322 +Fnb Omaha, P.O. Box 3412, Omaha, NE 68197-0001
 15194323 +LendingClub Corporation, 595 Market St, Suite 200, San Francisco, CA 94105-2807
 15211073 +M&T BANK, P.O. BOX 1508, BUFFALO, NY 14240-1508
 15199616 ++PERI GARITE, ATTN CARD WORKS, 101 CROSSWAYS PARK DR W, WOODBURY NY 11797-2020
 (address filed with court: First National Bank of Omaha, 1620 Dodge Street, Stop Code 3129, Omaha, Nebraska 68197)
 15194326 +Penn Highlands DuBois, 1605 N. Cedar Crst Blvd Ste 110B, Allentown, PA 18104-2351
 15227672 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: U.S. Bank National Association, Bankruptcy Department, PO Box 108, St. Louis MO 63166-0108)
 15194330 Us Bank, Cb Disputes, Saint Louis, MO 63166

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 09 2020 04:05:06
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15229516 E-mail/Text: ally@ebn.phinsolutions.com Sep 09 2020 04:05:39 Ally Bank, PO Box 130424, Roseville MN 55113-0004
 15194313 +E-mail/Text: ally@ebn.phinsolutions.com Sep 09 2020 04:05:39 Ally Financial, P.O. Box 380901, Bloomington, MN 55438-0901
 15194318 +E-mail/Text: bankruptcynotices@cbecompanies.com Sep 09 2020 04:06:53 CBE Group, Inc., 1309 Technology Pkwy, Cedar Falls, IA 50613-6976
 15200077 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 09 2020 04:04:59
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
 15194316 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 09 2020 04:03:57
 Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
 15194322 E-mail/Text: sbse.cio.bnc.mail@irs.gov Sep 09 2020 04:05:53 IRS, Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
 15229673 E-mail/Text: JCAP_BNC_Notices@jcap.com Sep 09 2020 04:06:49 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
 15194324 E-mail/Text: camanagement@mtb.com Sep 09 2020 04:05:56 M&t Bank, Po Box 900, Millsboro, DE 19966
 15194325 +E-mail/PDF: gecsedirecoverycorp.com Sep 09 2020 04:04:24 PayPal Credit Services/SYNCB, P.O. Box 960080, Orlando, FL 32896-0080
 15194327 +E-mail/Text: bankruptcyteam@quickenloans.com Sep 09 2020 04:06:53 Quicken Loans, 1050 Woodward Ave, Detroit, MI 48226-1906
 15207689 +E-mail/Text: bankruptcyteam@quickenloans.com Sep 09 2020 04:06:53 Quicken Loans Inc., 635 Woodward Avenue, Detroit, MI 48226-3408
 15194328 +E-mail/PDF: gecsedirecoverycorp.com Sep 09 2020 04:04:23 Synch/jcp, Po Box 965007, Orlando, FL 32896-5007
 15194329 +E-mail/PDF: gecsedirecoverycorp.com Sep 09 2020 04:04:24 Synch/ppmc, Po Box 965005, Orlando, FL 32896-5005
 15195606 +E-mail/PDF: gecsedirecoverycorp.com Sep 09 2020 04:03:55 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15209008 +E-mail/Text: documentfiling@lciinc.com Sep 09 2020 04:05:40 Tea Olive, LLC, PO BOX 1931, Burlingame, CA 94011-1931
 15226830 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 09 2020 04:16:52 Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
 15194331 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Sep 09 2020 04:05:36 Verizon, P.O. Box 15124, Albany, NY 12212-5124

TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans Inc.
 cr Quicken Loans Inc.

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-1

User: jmar
Form ID: 149

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Total Noticed: 32

Date Rcvd: Sep 08, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 10, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 8, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Debtor Bruce R. Brewer thedebterasers@aol.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4